

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ADVANCED TECHNOLOGY
CORPORATION, INC.,

Plaintiff,

v.

INSTRON, INC., TINIUS OLSEN
INTERNATIONAL CO., MTS SYSTEMS
CORPORATION, and ASTM
INTERNATIONAL,

Defendants.

Case No. 1:12-CV-10171-JLT

DEFENDANT INSTRON'S MOTION TO DISMISS

Pursuant to Fed. R. Civ. P. 12(b)(6), defendant Instron moves to dismiss with prejudice the plaintiff's complaint for failure to state a claim upon which relief can be granted. Instron relies upon the accompanying Memorandum of Law filed herewith.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), defendant Instron requests a hearing to assist the Court in its resolution of this Motion.

Respectfully submitted,

Dated: June 1, 2012

By: /s/ Jane E. Willis

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LOCAL RULE 7.1(a)(2) CERTIFICATE

Pursuant to Local Rule 7.1(a)(2), the undersigned counsel certifies that counsel for the defendant have conferred with counsel for the plaintiff and have attempted in good faith to resolve or narrow the issues in this Motion, but have been unable to do so.

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on June 1, 2012.

Dated: June 1, 2012

By: /s/ Jane E. Willis